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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,906	05/01/2006	Hirotaka Haro	284133US0XPCT	4406
22850	7590	04/14/2009	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				PALENIK, JEFFREY T
ART UNIT		PAPER NUMBER		
		1615		
NOTIFICATION DATE			DELIVERY MODE	
04/14/2009			ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10562906	5/1/2006	HARO ET AL.	284133US0XPCT

EXAMINER

Jeffrey T.. Palenik

ART UNIT	PAPER
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1615                  20090406

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**Commissioner for Patents**

The timely submission under 37 CFR 1.129(a) filed on 16 October 2008 is not fully responsive to the prior Office Action because Applicants have cancelled all of the originally filed claims 1-10, and filed new claims 11-21. Newly submitted claims 11-21 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the original claims 1-10 were directed to a composition of matter (e.g. an adhesion inhibiting material for a spine/spinal cord surgery). Newly submitted claims 11-21 are directed to a method for inhibiting adhesion of tissue to a spinal cord region using the composition of the cancelled claim 1. Applicant has in effect changed inventions since the claims are now directed to a new statutory category.

Since Applicants have received an action on the merits for the originally presented invention (e.g. cancelled claims 1-10), this invention has been constructively elected by original presentation for prosecution on the merits. Had claims 11-21 been part of the originally submitted claims, the Examiner would have required a Restriction between the statutory categories. Accordingly, claims 11-21 are treated as having been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The Examiner respectfully directs Applicants to MPEP §704.12(b) regarding the requirements for a complete response. Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by Applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.

/Jeffrey T. Palenik/  
Examiner, Art Unit 1615

/MP WOODWARD/  
Supervisory Patent Examiner, Art Unit 1615